

City of Duluth
Planning Commission
Minutes of Tuesday, November 10, 2009
City Council Chambers

I. Call to Order: President Akervik called the meeting of the Planning Commission to order at 5:00 p.m., **Tuesday, November 10, 2009**, in the third floor Council Chambers of Duluth City Hall and explained the public hearing procedure to the audience.

II. Roll Call:

Members Present: Mike Akervik, Mindy Appold, Henry Banks, Joan Barrett, Katelyn Blazevic, Drew Digby, Frank Holappa, Heather Rand, Jim Stebe, John Vigen, David Sarvela

Members Absent Excused: Mindy Granley, Joan Morrison

Staff Present: Jen Bergum, Kyle Deming, Alison Lutterman, Cindy Petkac

VIII. New Business

III. Public Hearings (staff reports of matters are on file in the Planning Department)

A. **FN09104** - Request to rezone from R-1-C to R-3 (Apartment Residential) property between Minnesota Avenue and Saint Louis Avenue at 16th Street by Park Point Properties LLC. (KD & JJ)

Staff: Demming reported that the property is designated as a traditional neighborhood but the applicant would like it rezoned to R-3. Staff recommends the rezoning be denied due to the fact that special uses are not consistent. They also recommend not rezoning to R-2 because they would rather the applicant re-apply for lower zoning.

Applicant: Paul Kelner: Said the city records show the building at Bayshore was condemned and he couldn't put anyone in a home of that condition. He is trying to cluster people in areas like in Europe. He was told by many neighbors they were happy with what he has done with being green about the project and he believes this will add value to the community and maximize living spaces for people with lesser means. There are few opportunities for renters to live down there. Consolidation of resources is the main push for this project.

Discussion: Banks asked if they were affordable apartments and Kelner said they were hoping and anticipating they will be saying they would run about \$12-1500 per month.

Public Input:

Jan Cohen:1602 Minnesota Avenue: Said she moved there to live in a low density area. It's one thing to maximize resources but another to over use them. Noise and noise pollution is at a high and they already have high density. She argued what affordable housing is saying her tenants pay \$575 for a nice

one bedroom unit. This is not consistent with the comprehensive plan and she trusts the city will maintain the standards they have come to expect. Even with the best of plans up to 26 units is too much. Once this property is zoned R-3 there is no going back. There is no guarantee the applicant will not just sell the property. Once a property is zoned R-3 it cannot be appealed to change it. People feel very strongly about this so she wants the commission to consider our wishes and the long range plan for the city.

Gloria Dunleavy: 1534 Minnesota Avenue: Stated she is worried about the property values, the bridge, the streets, and the utilities. When they moved here, they made their decision with a specific zoning in tact. Rezoning this property would be unfair and inappropriate to the people living there that are already being overtaxed.

Pat Dunleavy: 1534 Minnesota Avenue: Said he is opposed to rezoning as they tore down their home and rebuilt a new one under the present zoning code. He thinks the property would be fine for single family homes.

Karen Elian 1832 Minnesota Avenue: Stated there is a large apartment complex with 143 units in this area already. If too many more high density buildings are added he is worried about car accidents and affordability. This is not attracting families and it's hard for other people who don't live there to understand what people that live there have to deal with.

Edmund Gleason 1731 MN Ave: Questioned the \$12-1300 a month saying that is not affordable housing.. That's not the kind of housing I want to see here. "I see people of limited means that are living around middle class people. I like that."

Rand stated she did not believe anything was heard to support this application.

<p>MOTION/Second: Rand/Sarvela to Deny Approval for Request to rezone from R-1-C to R-3 (Apartment Residential) property between Minnesota Avenue and Saint Louis Avenue at 16th Street by Park Point Properties LLC. Vote: Unanimous 9-0 (<i>Vigen abstained</i>)</p>

- B. **FN09105** - Special Use Permit for a 4,570 square foot dental clinic at 1414 Woodland Avenue by Mike Edmunds. (KD)

Staff: Demming walked commissioners through a new map and condition to the plan as well as two conditions that were taken out. The lot is a double fronted lot which under the current resolution is not allowable. Staff recommends approval subject to an ordinance change which will come to the commission next month.

Discussion: Barrett asked if this was in a shoreland zone and was worried about the detail on how water will be treated runoff. Demming said zoning special use permits which do not specify there needs to be info on this. It is designed to comply with shoreland requirements as well as building setbacks.

Applicant: Mike Edmunds: 2304 Shore Drive offered to answer any questions.

Barrett said the site is very close to Tischer Creek and she is worried the lack of detail does not give enough information and that the building is too large for the site. Holappa voiced his support for the project saying it looks like a nice project and seems to fit into the neighborhood. Stebe worried about traffic on that street wondering if there should be a street light.

MOTION/Second: Holappa/Banks to Recommend Approval of Special Use Permit for a 4,570 square foot dental clinic at 1414 Woodland Ave. by Mike Edmunds.

Vote: 8-1-1 (*Nay-Barrett, Vigen abstained*)

- C. **FN09102** - C-5 Plan Review for Buffalo Wild Wings at 1307 Miller Trunk Hwy. (formerly Gander Mountain) by Lingle Design Group. (KD)

Staff: Demming reported on changes to the site which will include removal of part of the faux mountains, overall appearance, parking islands and tree replacement. He also stated the tower will be brought within zoning requirements. Staff recommends approval.

Discussion: Vigen asked what the parking lights will be and if they meet code. Demming said the parking lighting will be the same as it is now; cut-off style and the building lights are up-down lights and usually do not have too much wattage and they meet requirements reducing glare. Vigen asked if there will there be more signage on the westerly side of the building. Demming said the site plan did not show that there would be. Barrett asked if the restaurant would occupy the entire space of the old building. Demming said it would occupy 600,000 square feet; about 1/4 of the building.

Applicant: Keith Richters of Buffalo Wild Wings: Said the restaurant will employ 120-130 people full and part-time. The building has maximized signage so there is no need for more. Barrett asked about problems with grease traps at other businesses and if the company had ways to deal with them. Richters said the traps are cleaned out on regular basis depending on the amount of business. Appold asked if there were any thoughts on people coming on bus? Richters said no. Vigen questioned pedestrian access. Demming said there are no sidewalks that lead to building from public sidewalks and building out on an existing space so there are sidewalks would be in excess of their responsibilities. Vigen expressed that new businesses should consider this.

Public Input: Michael Ohurman: Is the owner of the building in front of Buffalo Wild Wings said he was delighted to have the development and that it would be nice to look into how to handle foot traffic.

MOTION/Second: Holappa/Appold to Recommend Approval for C-5 Plan Review for Buffalo Wild Wings at 1307 Miller Trunk Highway (formerly Gander Mountain) by Lingle Design Group.

Vote: Unanimous 10-0

- D. **FN09112** - Construction of an alpine coaster, ticket/concessions building, and 63-car parking lot at the Spirit Mountain Recreation Area. (KD)

Staff: Demming reported on the alpine coaster with a 63 car parking lot. This was approved by the Spirit Mountain board. The focus is preservation of the environment with a timely plan. It will increase the draw of the area encouraging people to spend more time there. There will be minimal clearing and impact on the vegetation. Staff recommends approval to send to the city council.

Applicant: Renee Mattson of Sprit Mountain: Presented a DVD. The ride goes a maximum of 26 miles per hour and you cannot fall off. You let hands off and the car automatically slow down. Up to two people can ride in one car.

Barrett asked How it was anchored. Mattson said it is pinned into the ground with supports and that is why they are able to go around the vegetation. Not only is this a step toward achieving their master plan but also a revenue source. Barrett said this geo-sensitive area is not all that stable and Recommended doing an environmental assessment worksheet. Cindy Petkac said this doesn't require a mandatory (EAW). Renee assured Barrett they would not be disturbing the soils. They will be brushing and mowing but not bulldozing 1500 ft of soil. Vigen noted the pictures show soils are relatively undisturbed and said many people visit Spirit Mountain it's a focal point for recreational activities. Appold was worried about the coaster crosses over 85th and how it will be effected if there are washouts. Renee said it's not a problem as they don't make snow in that area. Appold asked how much the ride would cost, how many cars per hour, how many jobs. Renee said the ride would be about \$8-\$10 Up to 240 cars can travel per hour. It would staff one full-time person, two part-time staff and three other staff members on the coaster line per day. Sarvela asked how someone would get off from the middle of the run. Renee said there are safety platforms any time the ride is more than three feet off the ground. ATVs can also be used to help. Stebe asked what power source will be used to get up the hill. Renee said it's a bull wheel, like a tow rope. Steve also asked about the Zipline and mtn bike access? Renee said COGGS (a local mountain biking organization) is looking at making new trails since the coaster is on some of the current mountain bike trails and the zipline numbers didn't work out and another lift would have been necessary for this. Vigen asked if there was other income other than the tickets. Renee said there was a ticket concession booth and opportunity for a photo booth in the future. Vigen asked why they are using sprung buildings. Renee said they are very unobtrusive and cost effective. Holappa said the building doesn't seem to fit in the environment. Renee said for their budget it was the best choice. Holappa asked how much this would cost. Renee said it was estimated at about \$2.3 million with the use of no city money. Akervik asked if this would be available year round. Renee said yes, it is not limited to rain or snow.

MOTION/Second: Appold/Vigen to Recommend Approval for the Construction of an alpine coaster, ticket/concessions building, and 63-car parking lot at the Spirit Mountain Recreation Area. Vote: Unanimous 10-0

IV. Consideration of Minutes: October 13, 2009. Motion by Barrett/Rand - approved with one minor change.

V. Communications

VI. Old Business

VII. Reports of Officers and Committees

- A. Downtown Waterfront Mixed Use District: Morrison called last week to let me know they did not meet
- B. Zoning Advisory Committee: Rand We have more meeting coming up and you are all invited on the 12, 16 and 17. Get going with Mod 3 in the new year

IX. Other Business

- A. Parks and Recreation Master Plan Meetings: Appold spoke about the Parks & Recreation meetings on Dec. 2,3, & 8 to give input for their master plan.

B. The Expiration of Terms: The expiration of terms is lowering the planning commission by one person. Those whose terms are up for expiration on March 31 are commissioners Barrett, Granley, and Morrison. The commissioners are hoping to find people interested to join the commission so when the terms are done, they will not be without enough people.

X. Adjournment. Motion Akervik/Appold to adjourn. President Akervik adjourned the meeting at 6:26 p.m.

Respectfully,

Cindy Petkac
Land Use Supervisor

CP:jb

